

**FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 28, 2003**

House of Representatives

The House convened at 10:45 a.m., Mr. Denney in the Chair.

Roll call showed 65 members present.

Absent and excused -- Field(18), Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 5.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Brittini McLam, Page.

Approval of Journal

February 28, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Vice Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 27, 2003

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 3, as amended, **H 72**, and **H 130**

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 27, 2003

Mr. Speaker:

I return herewith enrolled **H 219** and **H 111**, as amended, which have been signed by the President.

WOOD, Secretary

Enrolled **H 219** and **H 111**, as amended, were referred to the Judiciary, Rules, and Administration Committee for delivery to

the Governor.

February 27, 2003

Mr. Speaker:

I transmit herewith **S 1067** and **S 1051** which have passed the Senate.

WOOD, Secretary

S 1067 and **S 1051** were filed for first reading.

February 27, 2003

Mr. Speaker:

I return herewith **HCR 16** and **H 147** which have passed the Senate.

WOOD, Secretary

HCR 16 and **H 147** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 28, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HR 3**, **H 307**, **H 308**, **H 309**, **H 310**, and **H 311**.

CLARK, Vice Chairman

H 310 and **H 311** were referred to the Education Committee.

HR 3, **H 307**, **H 308**, and **H 309** were filed for second reading.

February 28, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 89**, as amended, and **H 142** to the Governor at 11:55 a.m., as of this date, February 27, 2003.

CLARK, Vice Chairman

February 27, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 140** and recommend that it do pass.

CROW, Chairman

H 140 was filed for second reading.

February 27, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **S 1047** and **S 1048** and recommend that they do pass.

BLACK, Chairman

S 1047 and **S 1048** were filed for second reading.

February 27, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **HJM 4, H 214, S 1029, S 1030, S 1031, S 1032, S 1033, and S 1034** and recommend that they do pass.

FIELD(18), Chairman

HJM 4, H 214, S 1029, S 1030, S 1031, S 1032, S 1033, and S 1034 were filed for second reading.

February 27, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 269** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

H 269 was placed on General Orders for consideration.

February 27, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 273** and recommend that it do pass.

STEVENSON, Chairman

H 273 was filed for second reading.

February 27, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 252** and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

H 252 was placed on General Orders for consideration.

February 28, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 263** and **H 270** and recommend that they do pass.

TILMAN, Chairman

H 263 and **H 270** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 312 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO DUTIES OF THE SECRETARY OF

STATE PURSUANT TO THE UNIFORM COMMERCIAL CODE; AMENDING PART 5, CHAPTER 9, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-9-516A, IDAHO CODE, TO PERMIT THE SECRETARY OF STATE TO REFUSE TO FILE CERTAIN INVALID FINANCING STATEMENTS, TO MAKE SPECIFIED INFORMATION UNREADABLE AND DELETE INVALID FILINGS IF NOW ON FILE.

HOUSE BILL NO. 313 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ASSUMED BUSINESS NAMES; AMENDING SECTION 53-506, IDAHO CODE, TO DELETE PROVISIONS CONTINUING ASSUMED BUSINESS NAMES AND TO PROVIDE THAT ASSUMED BUSINESS NAMES REMAIN IN EFFECT UNTIL CANCELED; AMENDING SECTION 53-510, IDAHO CODE, TO INCREASE THE FEE FOR FILING AN ASSUMED BUSINESS NAME AND DELETE FEES FOR CONTINUING AN ASSUMED BUSINESS NAME; REPEALING SECTION 53-511, IDAHO CODE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 314 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE ELECTRONIC FILING OF ANNUAL REPORTS WITH THE SECRETARY OF STATE; AMENDING SECTION 30-1-1622, IDAHO CODE, TO AUTHORIZE THE SECRETARY OF STATE TO DEVELOP AND IMPLEMENT A METHOD OF FILING CORPORATE ANNUAL REPORTS ELECTRONICALLY AND TO CORRECT A CODIFIER'S ERROR; AMENDING SECTION 30-3-136, IDAHO CODE, TO AUTHORIZE THE SECRETARY OF STATE TO DEVELOP AND IMPLEMENT A METHOD OF FILING CORPORATE ANNUAL REPORTS ELECTRONICALLY AND TO CORRECT A CODIFIER'S ERROR; AMENDING SECTION 53-613, IDAHO CODE, TO AUTHORIZE THE SECRETARY OF STATE TO DEVELOP AND IMPLEMENT A METHOD OF FILING CORPORATE ANNUAL REPORTS ELECTRONICALLY; AMENDING SECTION 53-3-1003, IDAHO CODE, TO AUTHORIZE THE SECRETARY OF STATE TO DEVELOP AND IMPLEMENT A METHOD OF FILING CORPORATE ANNUAL REPORTS ELECTRONICALLY; AND AMENDING SECTION 53-3-1003A, IDAHO CODE, TO DELETE A REQUIREMENT FOR REINSTATING A LIMITED LIABILITY PARTNERSHIP.

H 312, H 313, and H 314 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1067, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1051, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the

Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 276 and **H 206**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1071, by Local Government and Taxation Committee, was read the second time by title and filed for third reading.

S 1054 and **S 1055**, by Transportation Committee, were read the second time by title and filed for third reading.

SJM 101, by Education Committee, was read the second time by title and filed for third reading.

H 238, as amended, and **HCR 21**, as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 211, as amended, **H 209**, as amended, and **H 174**, as amended, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 66, as amended, and **H 64**, as amended, by Mr. Speaker, requested by Department of Parks and Recreation, were read the second time by title and filed for third reading.

H 256, as amended, by Ways and Means Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 298 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Andersen to open debate.

The question being, "Shall **H 298** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalph, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 61.

NAYS -- None.

Absent and excused -- Barrett, Bieter, Crow, Field(18), Kellogg, McKague, Schaefer, Trail, Mr. Speaker. Total -- 9.
Total -- 70.

Whereupon the Acting Speaker declared **H 298** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 246 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Clark and Ms. Jaquet to open debate.

The question being, "Shall **H 246** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bieter, Black, Boe, Bolz, Campbell, Clark, Crow, Cuddy, Douglas, Eberle, Edmunson, Eskridge, Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ridinger, Ring, Ringo, Robison, Sayler, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman. Total -- 42.

NAYS -- Bauer, Bedke, Bell, Block, Bradford, Cannon, Collins, Deal, Demey, Ellsworth, Field(23), Lake, Langford, McGeachin, Moyle, Raybould, Roberts, Rydalph, Sali, Shirley, Stevenson, Wills, Wood. Total -- 23.

Absent and excused -- Field(18), Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Acting Speaker declared **H 246** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 260 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 260** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bieter, Black, Boe, Bolz, Bradford, Campbell, Clark, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Gagner, Garrett, Henbest, Jaquet, Jones, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Robison, Sayler, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman, Wills. Total -- 47.

NAYS -- Bauer, Bedke, Bell, Block, Cannon, Collins, Field(23), Harwood, Kulczyk, Lake, Langford, Roberts, Rydalph, Sali, Shirley, Stevenson, Wood. Total -- 17.

Absent and excused -- Barraclough, Field(18), Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Acting Speaker declared **H 260** passed the House. Title was approved as corrected and the bill was ordered

transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 215** retain its place on the Third Reading Calendar until Friday, March 7, 2003. There being no objection, it was so ordered.

S 1026 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **S 1026** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Barraclough, Field(18), Gagner, Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Acting Speaker declared **S 1026** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 220 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 220** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Field(18), Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Acting Speaker declared **H 220** passed the

House. Title was approved and the bill was ordered transmitted to the Senate.

H 266 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Bieter to open debate.

The question being, "Shall **H 266** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Field(18), Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Acting Speaker declared **H 266** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 180 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Gagner to open debate.

Mr. Sali moved that **H 180** be placed on General Orders for consideration. Seconded by Mr. Kulczyk.

The question being, "Shall the motion carry?"

Whereupon the Acting Speaker declared the motion failed by voice vote.

The question being, "Shall **H 180** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Lake, Martinez, McGeachin, Meyer, Miller, Moyle, Raybould, Ridinger, Ring, Roberts, Rydalch, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 48.

NAYS -- Barrett, Bieter, Eberle, Harwood, Kulczyk, Langford, Langhorst, McKague, Mitchell, Naccarato, Nielsen, Ringo, Robison, Sali, Sayler, Shirley. Total -- 16.

Absent and excused -- Barraclough, Field(18), Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 6.
Total -- 70.

Whereupon the Acting Speaker declared **H 180** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 248 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **H 248** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Saylor, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills. Total -- 57.

NAYS -- Barrett, Kulczyk, McKague, Nielsen, Sali, Wood. Total -- 6.

Absent and excused -- Barraclough, Field(18), Gagner, Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 7.
Total -- 70.

Whereupon the Acting Speaker declared **H 248** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 295 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **H 295** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Barraclough, Field(18), Gagner, Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 7.
Total -- 70.

Whereupon the Acting Speaker declared **H 295** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 261 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Saylor to open debate.

The question being, "Shall **H 261** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Saylor, Shepherd, Shirley, Skippen, Smith(30), Snodgrass, Tilman, Wills. Total -- 51.

NAYS -- Barrett, Bolz, Edmunson, Kulczyk, McGeachin, McKague, Sali, Smylie, Stevenson, Wood. Total -- 10.

Absent and excused -- Barraclough, Bradford, Field(18), Gagner, Kellogg, Schaefer, Smith(24), Trail, Mr. Speaker. Total -- 9.

Total -- 70.

Whereupon the Acting Speaker declared **H 261** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 267 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 267** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Shepherd, Shirley, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 61.

NAYS -- None.

Absent and excused -- Barraclough, Field(18), Gagner, Kellogg, Schaefer, Skippen, Smith(24), Trail, Mr. Speaker. Total -- 9.

Total -- 70.

Whereupon the Acting Speaker declared **H 267** passed the

House. Title was approved and the bill was ordered transmitted to the Senate.

H 268 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mrs. Miller to open debate.

The question being, "Shall **H 268** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Barraclough, Field(18), Gagner, Kellogg, Schaefer, Trail, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Acting Speaker declared **H 268** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 27 BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF JUDICIAL ELECTIONS, INCLUDING METHODS OF FINANCING ELECTIONS AND METHODS OF SELECTION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the judicial system in the state of Idaho, as in many other states, has recently been the subject of intense interest resulting from a variety of pressures upon the systems; and

WHEREAS, preservation of the independence and integrity of an independent judicial system is essential to the preservation of the critical role of the judiciary in the system of American government; and

WHEREAS, judicial electioneering undermines judicial independence. The financing of judicial campaigns is thus limited to those wealthy enough to independently fund their campaigns, a limitation unrelated to judicial competence. Additionally, fund-

raising undertaken by candidates to achieve election may create a perception of judges feeling indebted to certain parties or interest groups; and

WHEREAS, when judges are subject to elections, there may be an impression that a judge develops a personal stake in the outcome of major cases. Elected judges cannot help but be aware that if the public is not satisfied with the outcome of a particular case, it could hurt their reelection prospects; and

WHEREAS, recent court decisions subject regulations of campaign financing to strict application of First Amendment protections which, while an essential guarantee, may minimize significant needs of citizens and voters to know the sources of funding and campaign support and to place limits on the amounts of money which can be spent in a given campaign; and

WHEREAS, in addition to considerations of campaign finance reporting and limits, there is also value in consideration of alternative judicial plans including the "Missouri Plan" and others which may offer appropriate options.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of judicial elections, including methods of financing elections and methods of selection. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation. Membership may include representation from the Idaho Bar Association, the League of Women Voters, public interest groups, the Idaho Judicial Council, the court system, and others appropriate to the study.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-seventh Idaho Legislature.

HCR 27 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 315 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO EXPENDITURE OF PUBLIC FUNDS; AMENDING SECTION 67-6602, IDAHO CODE, TO ADD DEFINITIONS; AND AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

67-6606A, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE PERSONAL LIABILITY FOR IMPROPER EXPENDITURE OF PUBLIC FUNDS, TO PROVIDE FOR PROSECUTION OF VIOLATIONS AND FOR AN INJUNCTION, TO PROVIDE AN EXEMPTION AND TO PROVIDE FOR REPORTING OF EXPENDITURES.

HOUSE BILL NO. 316
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO THE VOLUNTARY CONTRIBUTIONS ACT; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE LIMITS ON LABOR ORGANIZATION CONTRIBUTIONS, TO PROVIDE CRIMINAL ACTS AND PENALTIES AND TO PROVIDE REGISTRATION AND DISCLOSURE REQUIREMENTS FOR EACH FUND ESTABLISHED BY A LABOR ORGANIZATION UNDER THIS VOLUNTARY CONTRIBUTIONS ACT; AMENDING SECTION 44-2004, IDAHO CODE, TO PROVIDE THAT DEDUCTIONS FOR POLITICAL ACTIVITIES, AS DEFINED IN THE VOLUNTARY CONTRIBUTIONS ACT, SHALL NOT BE DEDUCTED FROM THE WAGES, EARNINGS OR COMPENSATION OF AN EMPLOYEE AND TO PROVIDE THAT NOTHING IN THE RIGHT TO WORK LAW SHALL PROHIBIT AN EMPLOYEE FROM PERSONALLY PAYING CONTRIBUTIONS FOR POLITICAL ACTIVITIES AS DEFINED IN CHAPTER 26, TITLE 44, IDAHO CODE, TO A LABOR ORGANIZATION UNLESS SUCH PAYMENT IS PROHIBITED BY LAW AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6605, IDAHO CODE, TO PROVIDE THAT A POLITICAL COMMITTEE MAY SOLICIT OR OBTAIN CONTRIBUTIONS FROM INDIVIDUALS AS PROVIDED IN THE VOLUNTARY CONTRIBUTIONS ACT OR AS PROVIDED IN THE STATE'S RIGHT TO WORK LAW; TO PROVIDE PROSPECTIVE APPLICATION; AND TO PROVIDE SEVERABILITY.

H 315 and **H 316** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Monday, March 3, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Acting Speaker declared the House adjourned at 12:46 p.m.

LAWERENCE DENNEY, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk